

Amendment under 37 C.F.R. § 1.116  
Serial No. 10/721,870  
Attorney Docket No. 032136

**REMARKS**

Claims 1-7, 9-24, 26-29 and 31-36 are pending. Claims 10-18 are allowed. Claims 2, 4, 5, 6, 8, 21, 22, 25 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 1, 19, 24 and 29 have been amended herein. Claims 8, 25 and 30 have been cancelled herein. The amendments to the claims are based on cancelled claims 8, 25 and 30, and page 25, paragraph 3 of the current specification.

**Applicants' Response to the Claim Rejections under 35 U.S.C. §103**

Claims 1 and 9 stand rejected under 35 U.S.C. §103 as being unpatentable over Heo et al. (US 2004/0171271A1) in view of Park et al. (US 2001/0041421A1). In response thereto, applicants have amended the claims to more distinctly claim the subject matter regarded as the invention. Specifically, applicants have added the limitation from dependent claim 8 to claim 1. As noted above, claim 8 is considered allowable if placed in independent form. Wherefore, applicants respectfully submit that claim 1 has been placed in allowable form pursuant to 37 C.F.R. §1.116.

Claim 7 stands rejected as being unpatentable over Heo et al. in view of Park et al. as applied to claim 1, and further in view of Vassiliev et al. (U.S. Patent No. 6,180,490B1). Applicants respectfully submit that claim 7 depends from claim 1, and by amending claim 1, as discussed above, the rejection to claim 7 is likewise addressed.

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Claims 19-21, 23-29 and 31-35 stand rejected as being unpatentable over Heo et al. in view of Park et al. as applied to claim 1, and further in view of Laxman et al. (U.S. Patent No. 5,874,368) and further in view of Liu et al. (6,590,271B2). In response thereto, applicants have amended the claims to more distinctly claim the subject matter regarded as the invention.

In regard to parent claim 19, applicants have added the limitation of the second liner insulating layer of carbon-containing silicon nitride having a tensile stress larger than 1.2 GPa. As noted above, this limitation has been found allowable as to claims 8, 25 and 30. Applicants respectfully submit that the limitation places claim 19 in allowable form pursuant to 37 C.F.R. 1.116 for the same reasons as above.

In regard to parent claims 24 and 29, applicants have amended these claims to more specifically claim the subject matter regarded as the invention. Specifically, applicants have added the limitations of dependent claims 25 and 30, respectively. Claims 25 and 30 are considered allowable if placed in independent form. Wherefore, applicants respectfully submit that claims 24 and 29 are placed in allowable form pursuant to 37 C.F.R. §1.116.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

  
Michael J. Caridi  
Attorney for Applicants  
Registration No. 56,171  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

MJC